

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

This document relates to:

Hardeman v. Monsanto, 3:16-cv-00525-VC

MDL No. 2741

Case No. 16-md-02741-VC

**PRETRIAL ORDER NO. 146:
ORDER RE FURTHER SANCTIONS**

Dkt. Nos. 2828, 3385

The Court has reviewed the materials submitted for in camera review in response to the order to show cause why the remaining lawyers on Mr. Hardeman's team should not also be sanctioned for the misconduct committed by Aimee Wagstaff during opening statements. *See* Pretrial Order No. 91, Dkt. No. 2828. From these materials, the Court cannot determine with sufficient confidence that Michael Baum, Mark Burton, Kathryn Forgie, Brent Wisner, or David Wool intentionally committed misconduct. Therefore, the order to show cause is lifted as to them.


However, the Court finds that Jennifer Moore intentionally joined in the bad faith misconduct for which Wagstaff was sanctioned. In contrast to the remaining members of the team, who appear not to have been meaningfully involved in finalizing the opening statement after Saturday, February 23, 2019, Moore was a full member of the trial team and continued to work with Wagstaff in preparing the opening statement through the morning it was delivered. It is clear from the attorney submissions – particularly Wool's – that the issue of violating the Court's pretrial rulings was very much on the team's radar as of at least February 23rd, but that did not prevent Moore and Wagstaff from going forward with an opening statement that so obviously violated

those pretrial rulings. Accordingly, for the reasons stated in this order along with the original order sanctioning Wagstaff, Jennifer Moore is sanctioned \$500 pursuant to the Court's inherent authority. She must submit a check to the Clerk of the Court in that amount within 7 days of this order.

The letters provided for in camera review will be filed under seal so that only the Court has access to them.

IT IS SO ORDERED.

Date: May 21, 2019



Honorable Vince Chhabria
United States District Court